

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JUAN DAVILA-BAJANA,

Plaintiff,

v.

TIM HOLOHAN, et al.,

Defendants.

Civil Action No. 04-253 Erie

MEMORANDUM ORDER

This civil rights action was received by the Clerk of Court on September 7, 2004, and was referred to United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation [Doc. No. 121], filed on June 17, 2010, recommended that Defendants' motion to dismiss Plaintiff's complaint or, in the alternative, for summary judgment [Doc. No. 117] be granted. The parties were allowed fourteen (14) days from the date of service to file objections. Service was made on Plaintiff by certified mail and on Defendants. No objections were filed. After de novo review of the motion and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 12th day of July, 2010;

IT IS HEREBY ORDERED that the Defendants' motion to dismiss Plaintiff's complaint or, in the alternative, for summary judgment [Doc. No. 117] is GRANTED. JUDGMENT is hereby entered in favor of Defendants, Tim Holohan, Marty Sapko, Debora Forsyth, Dave English, Robert Klark, Houseler and the United States of America, and against Plaintiff, Juan Davila-Bajana.

The Report and Recommendation [Doc. No. 121] of Magistrate Judge Baxter, filed on June 17, 2010, is adopted as the opinion of the Court.

The Clerk of Courts is directed to close this case.

s/ Sean J. McLaughlin

United States District Judge

cm: All parties of record
Susan Paradise Baxter, U.S. Magistrate Judge